

1 Geraldine A. Wyle (SBN 89735)
2 Jeryll S. Cohen (SBN 125392)
3 Jeffrey D. Wexler (SBN 132256)
4 Vivian Lee Thoreen (SBN 224162)
5 LUCE FORWARD HAMILTON & SCRIPPS LLP
6 601 South Figueroa, Suite 3900
7 Los Angeles, California 90017
8 Telephone: (213) 892-4992
9 Facsimile: (213) 892-7731

10 Attorneys for Applicant James P. Spears

FILED
LOS ANGELES SUPERIOR COURT

FEB 01 2008

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 In re the Conservatorship of the Person of:
12 BRITNEY JEAN SPEARS,
13 Proposed Conservatee.

CASE NO. BP 108870

**EX PARTE APPLICATION FOR ORDER
FINDING GOOD CAUSE FOR EXCUSING
NOTICE OF HEARING ON PETITION
FOR APPOINTMENT OF TEMPORARY
CONSERVATOR OF THE PERSON;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Date: February 1, 2008
Time: 10:30 a.m.
Department: ♀

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1 Pursuant to Cal. Prob. Code § 2250 and Cal. R. Court 7.1062, applicant James P. Spears
2 ("Applicant"), the father of the proposed conservatee Britney Jean Spears ("Britney"), will, and
3 hereby does, respectfully apply to the Court for an Order finding that there is good cause for not
4 giving notice of the hearing on the proposed appointment of a temporary conservator and, in the
5 alternative, for waiving the requirement that notice be given five days before the hearing. Good
6 cause exists for waiving the notice requirement because: (1) Britney or her estate may suffer
7 immediate and substantial harm if Applicant is required to give five days' notice before the
8 hearing, *see* Cal. R. Court 7.1062(d)(1); (2) Britney's medical treatment may be impaired if she
9 is given notice prior to the hearing, *see* Cal. R. Court 7.1062(d)(2); (3) giving notice of the
10 hearing would give notice to Osama ("Sam") Lutfi of the hearing, and there is a substantial risk
11 that he might cause harm to Britney or her estate in advance of the hearing, *see id.*; and (4) there
12 is an immediate and substantial medical emergency justifying waiver of the notice requirement,
13 *see* Cal. R. Court 7.1062(d)(3), because Britney was on the morning of January 31, 2008 placed
14 on a 72-hour hold pursuant to Cal. Welf. & Inst. Code § 5150 that expires on Sunday, February
15 3, 2008, less than five days after the date on which this *ex parte* application will be heard.

16 This application is based on this Application, the Memorandum of Points and Authorities
17 filed concurrently herewith, the Declarations of Lynne Spears, James P. Spears, and Geraldine A.
18 Wyle filed concurrently herewith, the [Proposed] Order lodged concurrently herewith, and such
19 argument as may be presented in connection with the Application.

20 As set forth in the Declaration of Geraldine A. Wyle filed concurrently herewith,
21 Applicant has not given notice to Britney of this Application. This *ex parte* application asks the
22 Court to find that there is good cause for not giving notice of the hearing on the proposed
23 appointment of a temporary conservator. Giving notice of the *ex parte* application would give

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1 Britney notice of the hearing on the proposed appointment of a temporary conservator, contrary
2 to the relief sought by this application.

3 DATED: February 1, 2008 Respectfully submitted,

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: Geraldine A. Wyle
Attorneys for Applicant James P. Spears